



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

OCT 7 2011

1200 New Jersey Avenue SE.
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

NVS-213hkb
EA11-003

Dear Mr. Urbahn:

On February 7, 2011, the National Highway Traffic Safety Administration (“NHTSA” or “agency”) opened Engineering Analysis EA11-003 to investigate complaints of high-pressure fuel pump failure that resulted in loss of motive power or engine stall with no restart in certain model year (“MY”) 2009 through 2012 Volkswagen and Audi vehicles equipped with common rail direct injection diesel engines. As part of that investigation, we are requesting “peer vehicle” information from BMW of North America, LLC.

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

- **Peer vehicles:** All MY 2008 through 2012 3-Series and X5 vehicles equipped with common rail diesel engines that were manufactured for sale or lease in the United States, including “states” as defined in 49 U.S.C. 30102(a)(10).
- **Subject component:** High-pressure fuel pump (“HPFP”) assemblies manufactured for use as original equipment or service parts in any or all of the peer vehicles.
- **Misfuelling:** Fuel from a non-diesel filling station pump nozzle (e.g., gasoline) dispensed into the vehicle fuel tank by the customer, service station employee or dealer personnel (e.g., pre-delivery or service related). For purposes of this information request letter “misfuelling” incidents will include only incidents acknowledged by the owner/operator of the vehicle, or, if pre-delivery, by any other person.
- **Fuel quality concern:** Fuel with documented or suspected quality issue that could affect the durability of fuel injection equipment, including the subject component (e.g., gasoline contamination, water contamination, aged biodiesel, etc.). Unless otherwise indicated, for purposes of this information request letter “fuel quality” concerns will include incidents related to poor quality fuel dispensed from filling station diesel pump and all incidents where misfuelling is suspected by not acknowledged by the owner/operator.

- **BMW:** BMW of North America, LLC, including its parent company, (collectively BMW), where the design, engineering and/or manufacturing are undertaken in a foreign country, and 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 and all of its headquarters, regional, zone and other offices and its 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 (including all business units and persons previously referred to), who are or, in or after January 1, 2005, were involved in any way with any of the following related to the subject condition in the peer vehicles:
 - a. Design, engineering, analysis, modification or production (e.g. quality control) related to diesel fuel pumps;
 - b. Testing, assessment or evaluation related to diesel fuel pumps;
 - 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.

- **Subject condition:** Any one or more of the following symptoms or conditions, excluding acknowledged misfuel incidents unless specifically requested:
 1. HPFP failure;
 2. Metallic debris/contamination in the fuel system;
 3. Repairs involving fuel system replacement;
 4. General allegations of fuel pump failure (i.e., the specific fuel pump is not identified);
or
 5. All other allegations of fuel system failures or malfunctions resulting in engine stall.

- **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 (e.g., 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.

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.

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

- e. Date warranty coverage commenced; and
- f. 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." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

2. State, by model and model year the number of each of the following received by BMW or of which BMW is otherwise aware, which relate to, or may relate to, instances of the subject condition in the peer vehicles; including subtotals for the numbers alleging subject component failure and the numbers alleging engine stall occurred:
 - 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 peer vehicle, property damage claims, consumer complaints, or field reports;
 - d. Property damage claims;
 - e. Third-party arbitration proceedings where BMW is or was a party to the arbitration; and
 - f. Lawsuits, both pending and closed, in which BMW is or was a defendant or codefendant.

For subparts "a" through "d" 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 "f," 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 "e" and "f," 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 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 model and model year;
 - f. Vehicle's mileage at time the subject condition was observed or occurred (incident);
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether failure or malfunction of the subject component is alleged; ;

- j. Whether fuel quality concerns are cited as an actual or potential cause or contributor;
- k. Whether an engine stall is alleged;
- l. Whether a crash is alleged;
- m. Whether property damage is alleged;
- n. Number of alleged injuries, if any; and
- o. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2007, or a compatible format, entitled "REQUEST NUMBER TWO DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

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, by peer vehicle model year, model, and engine the number of each of the following, received by BMW, or of which BMW is otherwise aware, which relate to, or may relate to, acknowledged incidents of misfuelling in the peer vehicles (e.g., requests for technical assistance related to repair procedures):
 - a. Consumer reports, 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 peer vehicle, property damage claims, consumer complaints, or field reports; and
 - d. Property damage claims.

For subparts "a" through "d" 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).

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 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 model and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Misfuelling incident date;
 - h. Report or claim date;
 - i. Whether failure or malfunction of the subject component is alleged;
 - j. Whether an engine stall is alleged;

- k. Whether a crash 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 "MISFUELLING DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

- 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, engine and model year the number of the following categories of claims, collectively, that have been paid by BMW to date which relate to repair or replacement of the subject component in the peer 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 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;
- k. Cause and correction of concern;
- l. Comment, if any, by dealer/technician relating to claim and/or repair;
- m. State whether there is a claim for towing expenses associated with the repair (i.e., filed within 5 days before or after the claim repair date); and
- n. BMW's assessment of whether the incident involved an engine stall while driving using the following three categories: (1) stall while driving = "yes;" (2) stall while driving = no; and (3) stall while driving = "unknown."

Provide this information in Microsoft Access 2007, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

- 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 and describe how the assessment regarding whether the

repair condition resulted in an engine stall incident was made (e.g., analysis of problem codes or customer concern/technician comment text fields). Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to repair or replacement of the subject component and a separate list that are applicable to assessing whether the repair condition resulted in an engine stall while driving incident. State, by make and model year, the terms of the new vehicle warranty coverage offered by BMW on the peer 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 peer vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

10. Produce copies of all service, warranty, and other documents that BMW has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities, which relate to or may relate to the subject condition in the peer vehicles. This includes, but is not limited to, technical service bulletins, special service messages, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that BMW is planning to issue within the next 120 days.
11. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to HPFP drive train durability and performance with low lubricity fuels 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:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;
 - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
 - f. A brief summary of the findings and/or conclusions resulting from the action.

The response to this request should include a detailed description of all past, present and future actions by any and all engineering working groups (e.g., pump/engine damage task force) of which VW and/or Audi are active members or are otherwise aware. This includes, at a minimum, all of the information requested in items "a" through "f."

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.

12. 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 component, from the start of production to date, which relate to, or may relate to HPFP drive train durability and performance with low lubricity fuels. For each such modification or change, provide the following information:

- a. The date or approximate date on which the modification or change was incorporated into vehicle production;
- b. A detailed description of the modification or change;
- c. The reason(s) for the modification or change;
- d. The part number(s) (service and engineering) of the original component;
- e. The part number(s) (service and engineering) of the modified component;
- f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when; and
- g. When the modified component was made available as a service component.

13. For each month in which BMW has sold the following components, state the number of the following components that BMW has sold for use in the peer vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle(s) in which it is used and month/year of sale of the component (including the cut-off date for sales, if applicable).

- a. High-pressure fuel pumps;
- b. Fuel rails; and
- c. Fuel tanks.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and model year, any other vehicles (that is, other than peer vehicles) of which BMW is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

14. Provide the following information for the common rail fuel systems used in the peer vehicles:

- a. Basic functional diagrams of each version of common rail system used in the peer vehicles, showing system components and flow paths;
- b. Ranges of operating pressures for the suction and discharge of the HPFP (i.e., low and high pressure systems);
- c. Range in operating temperatures for fuel used in the HPFP lubrication system and a description of how HPFP inlet temperature is controlled;
- d. Filter mesh size(s) and filter replacement criteria;
- e. Describe all scheduled maintenance requirements;
- f. A description of all warning lamps and driver information messages associated with the system;
- g. A description of all Diagnostic Trouble Codes by name and number and the conditions required to set each code; and
- h. A description of all limp-home operating modes, including the conditions required to implement each mode and the limits on vehicle operation.

15. Separately for each peer vehicle, provide the following information for the subject component used in that vehicle:

- a. Specific supplier model name and model number;
- b. Cross-sectional diagram of the pump showing basic operation of the drive train;

- c. Ratio of pump speed to engine speed;
 - d. Maximum pump discharge pressure;
 - e. Minimum pump suction pressure;
 - f. Pump durability specifications;
 - g. The material composition and material specifications for all drive train components (e.g., plunger, plunger base, shoe, foot, rider, roller, roller shoe, cam); and
 - h. Copies of all failure mode and effects analyses.
16. Provide the following information regarding the subject component from peer vehicles:
- a. Any information, reports, and analyses regarding returned parts that exhibited signs of wear or other deterioration of the drive train; and
 - b. A tabular summary of all field return analyses and reports.
17. Provide the following information regarding diesel fuels sold in the United States, and test fuels used by or for BMW in the design and development of the fuel system and subject component:
- a. Identify and provide copies of all studies and surveys conducted by or for BMW and other documents in the possession of and reviewed by BMW regarding diesel fuel quality or characteristics in the U.S., and/or diesel fuel delivery system performance concerns related to fuel quality in the United States market from 2004 to date;
 - b. Describe the fuel properties BMW considers in its evaluations of HPFP performance/durability and state the ranges in those properties that BMW believes exist in the United States market, from fuel survey data or other sources (provide the means and standard deviations for all sampled data for the United States market);
 - c. State the specifications for all reference fuels used by BMW in testing the subject component, including an explanation of the basis for the lubricity specification;
 - d. Describe how BMW has ensured that the HPFP design in peer vehicles is compatible with diesel fuels sold in the United States and other markets;
 - e. Describe all testing of the subject component conducted by, or for, BMW with gasoline contaminated test fuels, including the purpose of the test, the amount of contamination, the test conditions and the test results;
 - f. Provide BMW's assessment of the amounts of gasoline contamination required to produce the following effects on engine performance: (1) driveability symptoms during city driving (describe symptoms); (2) driveability symptoms during highway driving (describe symptoms); (3) engine stall; and (4) pump damage; and (5) sudden/catastrophic pump failure;
 - g. Provide BMW's assessment of the effects of minor gasoline contamination on engine performance and HPFP performance/durability (provide assessments for contaminations of less than 3 percent and less than 1 percent); and
 - h. Produce copies of all recommendations and warnings regarding diesel fuel quality that BMW has provided to its customers.
18. Provide the following information regarding incidents/repairs in which misfuelling is not acknowledged but suspected in the peer vehicles (Note: the IR definitions for "misfuelling" and "fuel quality concern" do not apply to this request):

- a. Does BMW distinguish problems from misfuelling from problems involving poor fuel quality for the purposes of determining whether or not repairs to the subject component and/or vehicle are covered by warranty?
 - b. Describe how BMW distinguishes incidents involving misfuelling from incidents involving poor fuel quality in resolving questions about warrantable repairs (e.g., describe test methods, qualitative analyses, performance symptoms or diagnostic codes that would indicate or suggest misfuelling);
 - c. State how BMW resolves disputes concerning warranty coverage related to suspected fuel quality concerns;
 - d. Describe and provide copies of all guidance provided to dealers and/or zone offices related to diagnosing, documenting and repairing fuel system failures in which fuel quality is a suspected cause or contributor;
 - e. Describe the repair procedures for a peer vehicle that has been fueled with gasoline, for situations where (1) the engine was not started after a misfuel; and (2) the engine was started after a misfuel;
 - f. Describe the repair procedures for a peer vehicle that has experienced catastrophic HPFP drive train failure (i.e., metallic particles/debris in the fuel system); and
 - g. Describe all misfuel countermeasures that BMW has implemented in the peer vehicles or is considering for future production light duty diesel vehicles in the United States market.
19. Provide BMW's assessment of the subject component failure experience in the peer vehicles, including:
- a. The causal or contributory factors, including but not limited to misfuel and fuel quality concerns;
 - b. The approximate percentages of subject component failures associated with each of the causal/contributory factors identified in item "a;"
 - c. The failure mechanism for each causal condition identified;
 - d. The failure mode for each causal condition identified, including the effect on engine performance (e.g., driveability concern, engine stall); and
 - e. A comparison, by model and model year, of the HPFP warranty claim rates and part sales rates in the peer vehicles and HPFP failure rates for same/similar vehicles in other worldwide markets (e.g., Germany, France, United Kingdom, Russia, China, India, Japan, Brazil, and Canada). [Please note any differences between vehicle designs and market fuel distribution/quality that BMW believes may affect this analysis].

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 request reports and the production of things. 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.

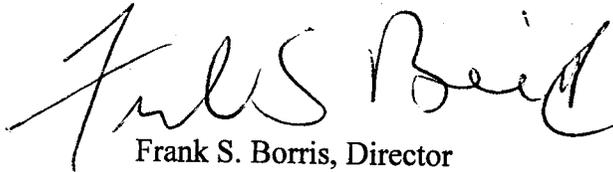
BMW's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by December 9, 2011. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should 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 EA11-003 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 Jeff Quandt of my staff at (202) 366-5207 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, as amended, 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 Jeff Quandt (jeff.quandt@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 response.

If you have any technical questions concerning this matter, please call Jeff Quandt at (202) 366-5207.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank S. Borris". The signature is written in a cursive, flowing style.

Frank S. Borris, Director
Office of Defects Investigation
Enforcement

Enclosure 1, one CD ROM titled "EA11003 Data Disk" containing five files:
(1) EA11-003-Production Data.mdb; (2) EA11-003-Request Number Two Data.mdb and (3)
EA11-003-Warranty Data.mdb; (4) EA11-003-Dealer Data, (5) EA11-003-Misfueling Data