

October 17, 2003

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Mr. J. Robert Young
Vehicle Defects Investigator
Office of Defects Investigation
National Highway Traffic Safety Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

**Re: Buell Motorcycle Company; PE03-043; Request for
Confidential Treatment of Materials Subject to Protective Order**

Dear Mr. Young:

Buell Motorcycle Company (Buell), which I represent as counsel, has been advised through its trial counsel in a litigation matter pending in a Florida state court that the presiding judge, on motion of the plaintiff, has modified his protective order to add the National Highway Traffic Safety Administration (NHTSA) "as an additional person or entity to which the 'Confidential' information subject to the Protective Order may be shown or disclosed." The court's modified order, a copy of which, along with the referenced Protective Order, is attached to this letter, further states that, "Although the Court is not ordering NHTSA to do so, the Court does request that NHTSA afford the Defendants the confidentiality afforded to them by the Protective Order entered in this case...."

Buell has been further advised that discovery materials in the referenced litigation, *Deborah Weaver v. Buell Motorcycle Company, et al.*, have been or will be provided to NHTSA by counsel for the parties in this matter. Plaintiff has indicated to the court its belief that these documents may have some relevance to the above-referenced NHTSA investigation.

Because the subject information is subject to a protective order and is in the nature of confidential trade secrets and commercial and financial information, Buell requests that all such documentation related to and obtained as a result of the referenced proceeding be withheld from public disclosure as confidential business information, pursuant to 49 CFR §§12.4(b)(3)(i) and (v).

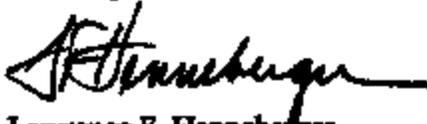
Buell requests confidential protection of the referenced information on a permanent basis, or, at NHTSA's option, that the protected materials be transmitted to Buell counsel or returned to the Florida state court, once the above-referenced investigation has been concluded by the agency.



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The Company appreciates your attention to this matter, and requests that the agency advise the undersigned of its disposition.

Sincerely,



Lawrence F. Henneberger

Attachments

cc: ~~Otto Matheke, Esq.~~
Office of Chief Counsel
National Highway Traffic Safety Administration