



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

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 19 2004

Ms. Claire M. Tieder
1319 Sundial Drive
Reston, VA 20194

NVS-211sc
DP04-001

Dear Ms. Tieder:

This letter is in response to your petition requesting that the National Highway Traffic Safety Administration (NHTSA) conduct a defect investigation with regard to the automatic transmission performance of model year (MY) 2004 BMW 3-Series xi all-wheel drive vehicles. You allege that you had experienced a delay in the engagement of the transmission of one-half minute to two minutes after shifting from Reverse to Drive.

We have analyzed your petition, and a summary of the analysis is presented in the enclosed notice, which was published in the Federal Register.

Based on our analysis, it is unlikely that NHTSA would issue an order requiring the notification and remedy of MY 2004 BMW 3-Series all-wheel drive or rear-wheel drive vehicles for transmission delayed engagement at the conclusion of an investigation. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, your petition is denied.

Thank you for bringing this matter to our attention.

Sincerely,

Kenneth N. Weinstein
Associate Administrator
for Enforcement

Enclosure:
Federal Register Notice



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