

# BMW Group

August 1, 2008

Kathleen C. DeMeter  
Director, Office of Defects Investigation  
National Highway Traffic Safety Administration  
1200 New Jersey Ave., S.E.  
Washington, DC 20590

**Re: EA08-001**

Dear Ms. DeMeter:

With this letter, BMW is responding to NHTSA's Information Request dated May 29, 2008 in the above captioned matter.

The attachments included with this letter comprise BMW's response to EA08-001, together with information previously provided and any information provided to supplement this response. As requested, BMW has repeated each question verbatim and provided our response accordingly. Our detailed responses are contained in the attachments.

In an agreement reached between NHTSA and BMW, NHTSA has withdrawn Question 11. NHTSA has also withdrawn the "category (a)" subject vehicles from this EA, because those vehicles were also the subject of PE07-045, and BMW has already provided the requested data and information pertaining to those vehicles in response to the PE.

Portions of our response contain information that is considered by BMW to be confidential, and accordingly, those materials are not being submitted to your office. As instructed, the portions of our response that are claimed by BMW to be confidential are being submitted to the Office of Chief Counsel, along with our request for confidentiality including supporting material, and the required 49 CFR 512 Certificate.

Additionally, BMW understands that it is NHTSA policy to protect the privacy of individuals under Exemption 6 of the Freedom of Information Act, 5 USC Section 552(b)(6). Certain information requested by NHTSA, such as personal information pertaining to BMW vehicle owners that is contained in the attachments, although not claimed herein to be "BMW Confidential" pursuant to 5 USC Section 552(b)(4) (Exemption 4) and 49 CFR 512, should not be made public by NHTSA in accordance with Exemption 6.

We appreciate the continued dialogue with NHTSA on this important issue, and the discussions that have taken place between NHTSA and BMW. We have carefully listened to the NHTSA perspective during our various meetings and discussions

**Company**  
BMW of North America, LLC

BMW Group Company

**Mailing address**  
PO Box 1227  
Westwood, NJ  
07675-1227

**Office address**  
300 Chestnut Ridge Road  
Woodcliff Lake, NJ  
07677-7731

**Telephone**  
(201) 307-4000

**Fax**  
(201) 782-0764

**Website**  
bmwusa.com



with the agency, and we respect the dedicated NHTSA professionals and their views on this matter.

Because some of the individuals involved in the dialogue with NHTSA were also responsible for preparing this response, we have not fully completed our search for documents potentially responsive to Question 8. With today's response, we have provided certain information as a preliminary response to Question 8. We are continuing our search for potentially responsive information, and we will supplement this response if additional documents are located. We intend to provide NHTSA with an update on this matter within a week.

Should you have any questions pertaining to the information enclosed with this letter, please contact me at (201) 573-7860, or Martin Rapaport of my staff at (201) 573-7708.

Sincerely,

A handwritten signature in black ink that reads "Jan Urbahn". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jan Urbahn  
General Manager  
Safety Engineering & Intelligent Transportation Systems

Attachments:

CD No. 1

Cc:

A. Cooke, Esq., NHTSA (Chief Counsel) – Letter Only