CERTIFIED MAIL - RETURN RECEIPT REQUESTED MAY 10 2007

Patrick N. McConnell
Director of Engineering, Product
Safety, and Standards
Dometic Corporation
509 S. Poplar Street
Lagrange, IN 46761

Re: Request for Confidential Treatment/Recall No. 06E-076

Dear Mr. McConnell:

This responds to your December 12, 2006, letter requesting confidential treatment for information submitted by Dometic Corporation (Dometic) pursuant to 49 CFR Part 573.6 in the above-referenced recall of motor home and travel trailer refrigerators. These refrigerators were supplied by Dometic to manufacturers of new vehicles and are also sold as replacement equipment. Dometic requests this information be granted confidential treatment for an indefinite period.

Dometic contends the information in this submission reveals the identity of its customers, contact persons for those customers, and the number of units sold to those customers. Dometic asserts the public disclosure of this information would provide a significant competitive advantage to its competitors.

I am granting your request in part and denying it in part.

Because this information was not submitted voluntarily, I have reviewed your submission under the competitive harm standard announced in *National Parks & Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974) and its progeny. Under that test, information is confidential under Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), if its disclosure would be likely to cause substantial competitive harm to the submitter or to impair the government's ability to collect the information in the future.

The disclosure of customer and sales data contained in this submission would provide Dometic's competitors with significant information that could be used to tailor their own marketing efforts to Dometic's detriment. Release of this information in its entirety would be likely to result in Dometic suffering substantial competitive harm.

I note, however, that limited release of individual original equipment manufacturer names may be required to effectuate completion of the recall and remedy campaigns involving your product. Pursuant to 49 CFR Part 573, Dometic is required to notify NHTSA of the existence of the defect and provide NHTSA with the name, business address and telephone number of every vehicle manufacturer that installed the subject refrigerators in new vehicles (49 CFR §§573.6(a) and 573.6(c)(2)(v)). These vehicle manufacturers are themselves required by 49 CFR Part 573.6(b) to provide notification to NHTSA under within five (days) of receiving notice of the defect. In the event that any vehicle manufacturers identified within your list do not notify NHTSA as required by Part 573, the agency may remind them of their responsibilities by letter. Any such correspondence to these vehicle manufacturers necessarily requires public release of the vehicle manufacturer's identity. NHTSA will not mark these letters as confidential and will consider them to be public documents.

Subject to the conditions below, this partial grant will remain in effect indefinitely. This information for which confidential treatment has been granted may be disclosed under 49 CFR § 512.22 based upon newly discovered or changed facts, and you must inform the agency of any changed circumstances that may affect the protection of the information (49 CFR § 512.10). The material in its entirety may also be disclosed under 49 CFR § 512.23(a)(3) if such disclosure will assist in effectuating the recall and remedy provisions of Chapter 301 (49 U.S.C. §§ 30101 et seq.). Other than the issuance of letters to individual vehicle manufacturers who installed Dometic refrigerators in new vehicles as described above, you will be notified prior to the release of any information under the procedures established by our regulations (49 CFR § 512.22(b) and § 512.23(a)(4).

If you disagree with the partial denial of your request noted above, you may request reconsideration. If you seek reconsideration, your request must be addressed to the NHTSA's Chief Counsel and filed within 20 working days after the receipt of this letter. (49 C.F.R. § 512.9(a)). Any such request should contain additional justification supporting your claims for confidential treatment consistent with 49 C.F.R. Part 512 and applicable case law.

Sincerely,

Original Signed By

Otto G. Matheke, III
Senior Attorney

NHTSA:NCC-111OM:5/10/07:cyt
NCC-111 Subj/Chron, om, cyt **NCC06-007842**
Info: NVS-215 George Person and Kelly Schuler w/enclosure
Misc06/Dometic06-7842ogm.doc