

This class determination remains applicable insofar as it does not conflict with *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019). The Agency is in the process of evaluating whether any changes need to be made to its regulations and guidance to conform with this recent U.S. Supreme Court decision and will update class determinations, as appropriate.

US EPA ARCHIVE DOCUMENT

CLASS DETERMINATION 1-79

CONFIDENTIALITY OF BUSINESS INFORMATION SUBMITTED IN APPLICATIONS FOR CERTIFICATION OF LIGHT-DUTY MOTOR VEHICLES FOR MODEL YEAR 1981

On March 31, 1977, the General Counsel issued Class Determination 2-77 "Confidentiality of Business Information Submitted in Applications for Light-Duty Motor Vehicle Certifications Through Model Year 1978."

On May 12, 1977, the General Counsel issued Class Determination 4-77

"Confidentiality of Business Information Submitted in Applications for Light-Duty Motor Vehicle Certifications Model Year 1979." On August 14,

1978, I issued Class Determination 3-78 "Confidentiality of Business Information Submitted in Applications for Certification of Light-Duty Motor Vehicles for Model Year 1980." The Office of Mobile Source Air

Pollution Control (MSAPC) has now completed preparation of the application for certification of light-duty motor vehicles for model year 1981.

MSAPC has requested that I issue a class determination on the confidentiality of the information to be contained in the 1981 applications for certification.


Under 40 CFR 2.207 I have authority to issue class determinations concerning the entitlement of business information to confidential treatment. In the case of applications for certification of light-duty motor vehicles for model year 1981, I have found:

(1) EPA will possess large numbers of applications for certification of light-duty motor vehicles for model year 1981.

(2) The information contained in the applications is of the same character with only slight modifications that can be dealt with individually. It is proper to treat all of the applications as in the same class for purposes of this Determination.

(3) A class determination will serve a useful purpose in that it will eliminate the necessity of clearing all of the information in each application prior to its being made available to the public, and it will serve as guidance for manufacturers submitting applications.

Only small changes have been made in the format for the application for certification from 1980 to 1981. The changes apply only to the amount of detail asked under specific items in the format. The character of the information requested with respect to its confidential treatment has not changed. Accordingly, I have determined that the information contained in applications for certification of light-duty motor vehicles for model year 1981 is entitled to confidential treatment as set forth in Class Determination 3-78 for the reasons specified in the Determination (copy attached).



David O. Bickart
Deputy General Counsel

Date