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.
CLASS DETERMINATION 2-80

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


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 1982, I have found:

(1) EPA will possess large numbers of applications for certification of light-duty motor vehicles for model year 1982.

(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 such 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 1981 to 1982. 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 1982 is entitled to confidential treatment as set forth in Class Determination 3-78 for the reasons specified in the Determination (copy attached).

8/21/80
Date

William F. Pedersen
Deputy General Counsel