

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 4-77

CONFIDENTIALITY OF BUSINESS INFORMATION SUBMITTED IN APPLICATIONS
FOR LIGHT DUTY MOTOR VEHICLE CERTIFICATIONS MODEL YEAR 1979

On March 31, 1977, I issued Class Determination 2-77 Confidentiality of Business Information Submitted in Applications for Light Duty Motor Vehicle Certifications Through Model Year 1978. The Office of Mobile Source Air Pollution Control (MSAPC) has now completed preparation of the format for applications for light duty motor vehicle certification for model year 1979. MSAPC has requested that I issue a class determination on the confidentiality of the information to be contained in the 1979 applications when they are received by MSAPC.

I have determined that there have been no substantive changes in the format of the 1979 application from that used in 1978. The information contained in the 1979 applications will be of the same character as that contained in the 1978 applications.

Accordingly, I have determined that the information in the 1979 applications for light duty motor vehicle certifications is entitled to confidential treatment in accordance with Class Determination 2-77 for the reasons specified in that Determination (copy attached).


G. William Frick
General Counsel (A-130)

MAY 12 1977

Date