

Ciba Specialty Chemicals Corporation
USA

Additives

8EHQ-1098-14287

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MR 1009

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98 OCT -8 AM 11:24

Ciba



October 7, 1998

PDCM 88980000202
PDCM 88980000307

via Federal Express

Document Control Office (7407)
Room G99 East Tower ATTN: Section 8(e)
Office of Pollution Prevention and Toxics
US Environmental Protection Agency
401 M Street, SW
Washington, DC 20460-0001

PDCM 88990000006

98 OCT 15 PM 12:23

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OPPT/MCIC

Subject: TSCA 8(e) Notice TKA 40185-Confidentiality Substantiation

Dear Section 8(e) Coordinator:

This letter does not contain Confidential Business Information

Pursuant to your communication received September 28, 1998, this letter references supplemental requested information for TKA 40185. Two separate 8(e) notifications for this product were submitted to the Agency on July 30, 1998 (assigned 8EHQ-98-14233) and August 13, 1998 (assigned 8EHQ-98-14240).

On October 6, 1998, a letter was sent to you via Federal Express which supplied chemical identity, as well as an attachment substantiating Ciba's confidentiality claims. During the past 24 hours, some new information concerning the product was received from Europe, which requires some modifications to the confidentiality claim statement. These modifications include patent filing in Switzerland (Question 9), and research status (Question 10b). An amended version of the confidentiality substantiation is attached.

I apologize for any inconvenience this may have caused. If you have any questions or wish further information, please feel free to call me in Tarrytown at (914) 785-4311.

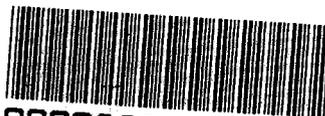
Respectfully yours,

Thomas Barber, Manager
Product Registration & Compliance



8EHQ-98-14287

Contains No Co.



89990000010

540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005

Tel. 914 785 2000

Value beyond chemistry

Confidentiality Substantiation for TKA 40185
****REVISED****

Substantiation Questions

1. Is your company asserting this confidential business information (CBI) claim on its own behalf? If the answer is no, please provide the company name, address, and telephone number of entity asserting claim.

Yes

2. For what period do you assert your claim(s) of confidentiality? If the claim is to extend until a certain event or point in time, please indicate that event or time period. Explain why such information should remain confidential until such point.

Confidential treatment is requested indefinitely.

3. Has the information that you are claiming as confidential been disclosed to any other governmental agency, or to this Agency at any other time? Identify the Agency to which the information was disclosed and provide the date and circumstances of the same. Was the disclosure accompanied by a claim of confidentiality? If yes, attach a copy of said document reflecting the confidentiality agreement.

The confidential information concerning this product has not been disclosed to the EPA or other US Government agency at any other time.

4. Briefly describe any physical or procedural restrictions within your company relating to use and storage of the information you are claiming CBI.

The precise chemical identity of this R&D compound is known only to selected research, product safety, and product management in the US. The composition cards/data sheets are marked "Confidential" and treated accordingly. Such information files are kept in a secure location and are not available to other members of Ciba except on a need-to-know basis.

5. If anyone outside your company has access to any of the information claimed CBI, are they restricted by confidentiality agreement(s)? If so, explain the content of the agreement(s).

No one outside of Ciba Specialty Chemicals has access to the information.

6. Does the information claimed as confidential appear or it referred to in any of the following:

- a. Advertising or promotional material for the chemical substance or the resulting end product;

This product is in the R&D phase only; hence, no advertising or promotional material has been prepared.

- b. Material Safety Data Sheets or other similar materials (such as technical data sheets) for the substance or resulting end product (Include copies of this information as it appears when accompanying the substance and/or product at the time of transfer or sale);

No

- c. Professional or trade publications; or

N/A

- d. Any other media or publications available to the public or to your competitors.

N/A

If you answered yes to any of the above, indicate where the information appears, include copies, and explain why it should nonetheless be treated as confidential.

7. Has EPA, another federal agency, or court made any confidentiality determination regarding information associated with this substance? If so, provide copies of such determinations.

No

8. Describe the substantial harmful effects that would result to your competitive position if the CBI information is made available to the public? In your answer, explain the causal relationship between disclosure and any resulting substantial harmful effects. Consider in your answer such constraints as capital and marketing cost, specialized technical expertise or unusual processes, and your competitors' access to your customers. Address each piece of information claimed CBI separately.

This compound is a promising catalyst and precursor to a family of potentially viable new catalysts/process stabilizers for the polyolefin industry. Ciba's competitors in the similar business could easily begin similar research endeavors were they to learn, via this 8(e) submission, the precise identity of this compound. Obviously, their work would be facilitated because they would not have to perform the extensive research screening which Ciba Specialty Chemicals did to arrive at this specific compound. It is quite conceivable that such a competitor could develop a similar product which would be as effective as any we may develop; it is possible to do so in a shorter period of time. This would clearly limit or defeat Ciba's efforts to develop a commercially viable product based upon the chemistry presented in the 8(e) notification. Ciba Specialty Chemicals would have expended the time and money for R&D, but the benefit of return would have gone to others.

9. Has the substance been patented in the US or elsewhere? Is the patent for the substance currently pending?

A patent for the 8(e) substance was filed in Switzerland; foreign patent filings, including the US, have been initiated.

10. Is this substance/product commercially available and if so, for how long has it been available on the commercial market?

This substance is not commercially available.

- a. If on the commercial market, are your competitors aware that the substance is commercially available in the US?

N/A

- b. If not already commercially available, describe what stage of research and development (R&D) the substance is in, and estimate how soon a market will be established.

R&D activities for this substance are currently on hold because the match with the product profile is not yet achieved. Similar derivatives are in the evaluation stage of R&D. There are no plans to establish a US market in the foreseeable future.

- c. What is the substance used for and what type of product(s) does it appear in?

This compound shows promise as a catalyst in the manufacture of polyolefins.

11. Describe whether a competitor could employ reverse engineering to identically recreate the substance.

Based upon the chemical structure, a competitor could very well employ reverse engineering to recreate the compound.

12. Do you assert that disclosure of this information you are claiming CBI would reveal:

- a. confidential processes used in manufacturing the substance;

The manufacturing process would not be disclosed.

- b. if a mixture, the actual portions of the substance in the mixture, or;

N/A

- c. information unrelated to the effects of the substance on human health or the environment?

No

If your answer to any of the above questions is yes, explain how such information would be revealed.

13. Provide the Chemical Abstract Service Registry Number for the product, if known. Is your company applying for a CAS number now or in the near future? If you have applied for a CAS number, include a copy of the contract with CAS.

A CASRN has not been assigned to this compound; Ciba has no plans to obtain one in the near future.

14. Is the substance or any information claimed CBI the subject of FIFRA regulation or reporting? If so, explain.

No