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COMPANY SANITIZED

September 29, 1992

Document Processing Center (TS-790)  
U. S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, DC 20460

Attention: SECTION 8(E) COORDINATOR

Dear Sir/Madam:

The purpose of this letter is to amend correspondence previously sent to your office by \_\_\_\_\_, which was dated September 21, 1992. The letter notified your office of preliminary results of an eye irritation study on the chemical N-(2,3-Dimethylphenyl)maleimide [CAS 31581-09-6]. The letter was sent "Confidential", however, we inadvertently left out the "Support Information for Confidentiality Claims" forms.

Enclosed with this letter are "Confidential" and "Sanitized" versions of the above mentioned form. Please attach these forms to the proper letters in your files.

We apologize for any inconvenience this has caused your office.

Sincerely,

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Support Information for Confidentiality Claims

s(e) Submission on N-(2,3-Dimethylphenyl)maleimide

Substantiation Questions

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

Confidentiality claim is made on behalf of

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.

Confidentiality is requested for a period of three years (until 1994). This time period is requested to complete R&D, product evaluation, pilot production and to develop business plans and customer base.

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.

No.

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

The information has been given only to those with a need-to-know. Information has appeared only in Company documents which have limited circulation and which are considered

Confidential information. All employees must sign an agreement which binds them from disclosing Confidential information when they leave. The need for confidentiality has been reemphasized to employees working on the research project.

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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) .

Information claimed as confidential has only been released to those with a need-to-know.

6. Does the information claimed as confidential appear or is it referred to in any of the following:
- a. Advertising or promotional material for the chemical substance or the resulting end product;
  - 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);
  - c. Professional or trade publications; or
  - d. Any other media or publications available to the public or to your competitors.

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.

None of the information which is claimed as confidential has been disclosed in any public document.

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.

Material appears to have several desirable physical properties. Competition could produce/sell this material thereby jeopardizing our commercial position. We will be

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spending substantial amounts of upfront money on R&D,  
pilot/manufacturing and business related efforts.

- Potential sales are in the many millions of dollars/yr.
- End use and process patents have not been files as yet

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

No. We expect to file process and possibly end use patents.

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

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

Not Applicable.

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.

Product is not commercially available. The  
product is presently in Discovery Research.  
If a market is established it would take 2-3  
years.

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

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

Yes - It would be very easy to identify by standard  
analytical methods.

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

a. confidential processes used in manufacturing the  
substance; Yes.

b. if a mixture, the actual portions of the substance in  
the mixture; or Not Applicable.

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

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

Knowledge of chemical structure will reveal manufacturing process - There is only one method to make it. In addition, CBI information would reveal chemical identity associated with and therefore, it's end-use application would be obvious to those familiar with this class of materials.

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 CAS number, include a copy of the contract with CAS.

CAS# 031581-09-6

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

No.

