



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

Original to Bruce Drake 12/13/83

Mr. C. A. Gellner
Plant Manager
CertainTeed Corporation
P.O. Box 253
Sulphur, Louisiana 70663

DEC 13 1983

Dear Mr. Gellner:

This letter is to confirm the visit of Mr. John Stelling and Ms. Karen Fidler of Radian Corporation and Mr. Leslie Evans, Mr. Robert Rosensteel, and Mr. Fred Dimmick of the U. S. Environmental Protection Agency (EPA) to the CertainTeed Corporation polyvinyl chloride (PVC) facility in Sulphur, Louisiana. The visit is tentatively scheduled for January 10, 1984. Ms. Fidler will call you within the next few days to confirm the date and time for the visit.

As you are aware, the EPA is currently reviewing the national emission standard for vinyl chloride (VC), promulgated under Section 112 of the Clean Air Act. Technical services for this review were formerly provided by TRW Inc. (Contract No. 68-02-3063), but have been reassigned to Radian Corporation (Contract No. 68-02-3816). The purpose of the review is to evaluate the appropriateness of the standard and to develop revisions to the standard if they are judged necessary. The visit to your facility and discussion with your personnel are an integral part of our data gathering efforts for the review study.

Consistent with your telephone conversation with Ms. Fidler on November 30, Radian has executed the "Memorandum on Confidential Treatment of Certain Information" in Enclosure 1 which describes its procedures for safeguarding information.

The purpose of this visit is to observe your PVC production process and equipment and to gather information demonstrating compliance with various parts of the VC standard. In particular, we are interested in observing your PVC production equipment and obtaining descriptions of: (1) control systems and/or operational procedures that are used to comply with the standard for relief valve discharges; (2) specific control techniques used to comply with the requirements of the fugitive emissions standard; and (3) the general PVC production process. Enclosure 2 presents a more detailed breakdown of the types of information desired.

The EPA's information gathering authority under Section 114 of the Clean Air Act (42 U.S.C. 7414) is summarized in Enclosure 3. If you believe that disclosure of the information we request would reveal a trade secret, you should clearly identify such information as discussed in the enclosure.

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Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. 1905. If no claim of confidentiality accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice (40 CFR Part 2.203, September 1, 1976). All emission data, however, will be available to the public.

The EPA has contracted with Radian Corporation (Contract Number 68-02-3816) to obtain information pertinent to the review of the national emission standard for VC. Thus, as noted in Enclosure 4, Radian has been designated by the EPA as an authorized representative of the Agency. Therefore, Radian has the rights discussed above and in Enclosure 3. As a designated representative of the Agency, Radian is subject to the provisions of 42 U.S.C. 7414(c) respecting confidentiality of methods or processes entitled to protection as trade secrets.

Enclosure 5 summarizes Agency and Emission Standards and Engineering Division policies and procedures for handling privileged information and describes EPA contractor commitments and procedures for use of confidential materials. It is EPA's policy that compliance by an authorized representative with the requirements detailed in Enclosure 5 provides sufficient protection for the rights of submitters of privileged information. In addition, it is our intention to avoid obtaining any confidential information, if this is possible. We expect our questions will be general enough to be answered without revealing trade secrets. A copy of the draft trip report will be sent to you to determine if any confidential information has been inadvertently included. Until you clear the draft trip report, the original will be kept in our confidential files.

The following policies concerning liability should also be of interest to you:

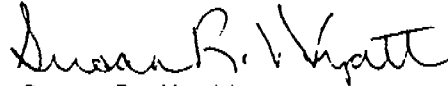
1. If a Federal employee is injured in the course of his employment, he has compensation coverage from the Government under the Federal Employees Compensation Act (5 U.S.C. 8108 et seq.); and
2. If, due to the employee's negligence, property damage or personal injury to third parties occurs, the Federal Tort Claim Act (28 U.S.C. 1346) provides a means of fixing any liability upon the Federal Government.

The Office of General Counsel, EPA, has informed the Agency that a firm may not condition EPA's "right of entry" upon consent to a waiver of liability and has instructed employees not to sign such waivers. If you have any questions regarding this refusal, please contact Donnell L. Nantkes, Office of General Counsel, at (202) 382-5462.

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Please review all enclosures and return one signed original of the "Memorandum on Confidential Treatment of Certain Information" to Mr. Leslie Evans of my staff. If you have any questions or comments, feel free to contact Mr. Evans at (919) 541-5671 or Ms. Fidler at (919) 493-4574. Thank you for your cooperation.

Sincerely yours,



Susan R. Wyatt

Chief

Chemicals and Petroleum Branch
Emission Standards and
Engineering Division

Enclosures 5

CTL004322

ENCLOSURE 1

MEMORANDUM ON CONFIDENTIAL TREATMENT OF CERTAIN
INFORMATION FOR USE WITH SITE VISITS BY EPA
AUTHORIZED CONTRACTOR REPRESENTATIVES UNDER
AUTHORITY OF SECTION 114 OF THE CLEAN AIR ACT

1. Pursuant to the provisions of Section 114 of the Clean Air Act, as amended, CertainTeed Corporation, P. O. Box 253, Sulphur, LA 70663 (hereinafter "the source") will provide, or give access to, information requested by the Environmental Protection Agency (EPA) in the course of carrying out its responsibilities. Such information and such access will be provided to EPA and to its duly authorized representative, Radian Corporation, (hereinafter "the contractor") designated by EPA to assist EPA in carrying out such responsibilities pursuant to Contract Number 68-02-3816 with EPA. The information requested may be either documentary (e.g., oral communications, taking of photographs, or visual observations). EPA and the contractor recognize that the source may consider the information so provided, or some part of it, to be confidential within the meaning of Section 114 and 18 U.S.C. 1905. The source may assert a claim of confidentiality under the procedures established in Part 2 of Title 40 of the Code of Federal Regulations (40 CFR Part 2) by noting such claim on documentary material provided to the contractor or to EPA. The contractor will note such claim when submitting the information to EPA. The EPA will note such claim when submitting such information to the contractor. Moreover, the source may notify the contractor or EPA that it considers the non-documentary information provided to EPA or to the contractor to be confidential. The contractor will note said claim of confidentiality in any reports or documents submitted to EPA which utilize such non-documentary information. The EPA will note said claim of confidentiality in any reports or documents submitted to the contractor which utilizes such non-documentary information. Any material or information claimed as confidential will be treated by the contractor as confidential in accordance with its contract and will be treated by EPA in accordance with the provisions of 40 CFR Part 2. Any material or information claimed as confidential will be treated by the contractor as confidential in accordance with its contract and will be treated by EPA in accordance with the provisions of 40 CFR Part 2. Any material or information for which a claim of confidentiality is not made may be made available to the public by EPA without notice to the source.

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2. The provisions in the contractor's contract with EPA concerning the use and disclosure of confidential information are included therein for the benefit of, and shall be enforceable by, both EPA and the source.

The provisions of Contract Number 68-02-3816 between EPA and the contractor provide:

- a. The contractor and its employees will: (i) use the information claimed to be confidential only for purposes of carrying out the work required by the contract; (ii) not disclose the information to anyone other than EPA employees without the prior written approval of the Assistant General Counsel for Contracts and General Administration; and (iii) return to the EPA Contracting Officer all copies of the information, and any abstracts or excerpts therefrom, upon request by the Contracting Office, whenever the information is no longer required by the contractor for the performance of the work or upon completion of the contract.
- b. The contractor will obtain a written agreement to honor the provisions of paragraph 2(a) from each of its employees who will have access to the information, before the employee is allowed access.
- c. The contractor will not use any information claimed to be confidential to compete with the source.
- d. Before entering into any subcontract that will involve either the disclosure to a subcontractor by the contractor of information claimed to be confidential, or the collection of information by a subcontractor, the contractor will obtain the written consent of the EPA Contracting Officer, after a written determination by the appropriate EPA program office.

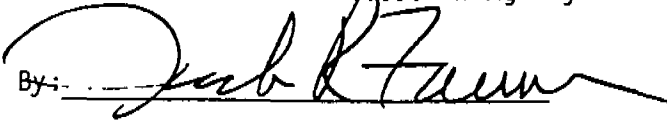
3. Any subcontractor who will have access to the information is subject to the restrictions set forth in this memorandum.

4. It is intended that this memorandum be consistent with and not exceed the provisions of 40 CFR Part 2 and the provisions of Contract Number 68-02-3816. This memorandum does not address information not obtained from the source. Nothing in this memorandum relieves the contractor of any

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liability it may independently have to the source as a matter of statutory or common law from injury to the source arising from the contractor's release of information in a manner which exceeds its authority under 40 CFR Part 2 and its contract with EPA.

U.S. Environmental Protection Agency

By: 

Name: Jack R. Farmer

Title: Director, ESED

Date: 12/12/83

CertainTeed Corporation

By: _____

Name: _____

Title: _____

Date: _____

Radian Corporation

By: 

Name: A. T. ten Broeke

Title: Assistant Vice President

Date: December 6, 1983

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ENCLOSURE 1

MEMORANDUM ON CONFIDENTIAL TREATMENT OF CERTAIN
INFORMATION FOR USE WITH SITE VISITS BY EPA
AUTHORIZED CONTRACTOR REPRESENTATIVES UNDER
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CTL004326

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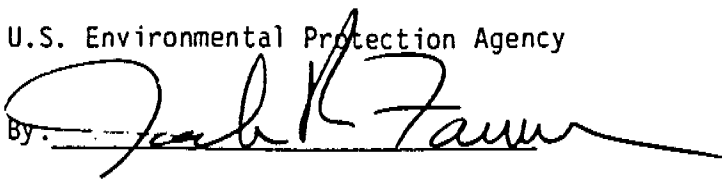
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CTL004327

liability it may independently have to the source as a matter of statutory or common law from injury to the source arising from the contractor's release of information in a manner which exceeds its authority under 40 CFR Part 2 and its contract with EPA.

U.S. Environmental Protection Agency

By: 

Name: Jack R. Farmer

Title: Director, ESED

Date: 12/12/83

CertainTeed Corporation

By: _____

Name: _____

Title: _____

Date: _____

Radian Corporation

By: 

Name: A. T. ten Broeke

Title: Assistant Vice President

Date: December 6, 1983

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ENCLOSURE 2

DESCRIPTION OF THE TYPES OF INFORMATION REQUIRED

1. Description of control systems and/or operational procedures used to comply with the RVD standard. In the case of training and maintenance, please estimate labor-hours in excess of routine training and maintenance required for normal plant operation.
 - A. Hardware (e.g., computer control system; automatic reactor shutdown triggered by sensors; back-up power supply; supplemental cooling capacity; gas holder)
 - B. Training programs (i.e., training done beyond that required for normal plant operation)
 - C. Maintenance programs (e.g., specific routine maintenance performed to prevent discharges; additional quality assurance checks on relief devices to ensure proper installation, etc.)
 - D. Review of operational practices (e.g., review of practices leading to a discharge and the review of planned actions to prevent future discharges)
2. Description of control techniques used to comply with the requirements of the fugitive emission standard for the following sources.

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- A. Pumps (seal type, barrier fluid system) (§61.65(b)(3))
- B. Loading and unloading lines (§61.65(b)(1))
- C. Slip gauges (§61.65(b)(2))
- D. Inprocess wastewater stripping (§61.65(b)(9))
- E. Vessel opening (§61.65(b)(6))

3. General PVC process description

- A. Resin types (i.e., suspension, bulk, latex, or other);
total PVC production rate and approximate percentage of
total production of each resin type
- B. Number, size, and age of reactors

ENCLOSURE 3

EPA'S INFORMATION GATHERING AUTHORITY
UNDER SECTION 114 OF THE CLEAN AIR ACT

Congress has given the U.S. Environmental Protection Agency broad authority to secure information needed in the development of new source performance standards for new stationary sources under Section 111 of the Clean Air Act (42 U.S.C. 7411). Among other things, Section 114 of the Act (42 U.S.C. 7414) authorizes EPA to make inspections, conduct tests, examine records, and require owners or operators of emission sources to submit information reasonably required for the purpose of developing such standards. In addition, the EPA Office of General Counsel has interpreted Section 114 to include authority to photograph or require submission of photographs of pertinent equipment, emissions, or both.

Under Section 114, EPA is empowered to obtain information described by that section even if you consider it to be confidential. You may, however, request that EPA treat such information as confidential. Information obtained under Section 114 and covered by such a request will ordinarily be released to the public only if EPA determines that the information is not entitled to confidential treatment.* Procedures to be used for making confidentiality determinations, substantive criteria to be used in such determinations, and special rules governing information obtained under Section 114 are set forth in 40 CFR Part 2 published in the Federal Register on September 1, 1976 (40 FR 36902).

Pursuant to §2.204(a) of EPA's Freedom of Information Act (FOIA) regulation, in the event a request is received, or it is determined that a request is likely to be received, or EPA desires to determine whether business

*Section 114 requires public availability of all emission data and authorizes disclosure of confidential information in certain circumstances. See 40 FR 36902 - 36912 (September 1, 1976).

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information in its possession is entitled to confidential treatment even though no request for release of the information has been received (e.g. when EPA determines there is a need to disclose such information in the course of developing emission standards under Section 111 or 112 of the Clean Air Act), please be advised that EPA will seek, at that time, the following information to support your claim as required by §2.204(e)(4) of EPA's FOIA regulations:

1. Measures taken by your company to guard against undesired disclosure of the information to others;

2. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

3. Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determination, or reference to it, if available; and

4. Whether your company asserts that disclosure of the information would be likely to result in substantial harmful effects on the business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

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SEP 9 1983

OFFICE OF
AIR, NOISE AND RADIATION

ENCLOSURE 4

DESIGNATION OF AUTHORIZED REPRESENTATIVE
FOR STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (SECTION 111)
AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (SECTION 112)

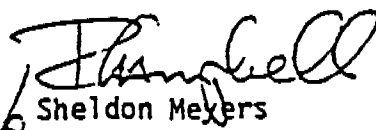
Radian Corporation is hereby designated an Authorized Representative of the Administrator of the United States Environmental Protection Agency for the purpose of assisting in the development of standards of performance under 42 U.S.C. 7411 and national emission standards for hazardous air pollutants under 42 U.S.C. 7412 for gas turbines, SO₂ carrier gas, refinery wastewater, refinery process gas, sewage sludge incineration, industrial boilers (SO₂), glass (arsenic), secondary lead (arsenic), zinc oxide (arsenic), recreational vehicles, cotton gins (arsenic), offset lithography, acrylonitrile, vinyl chloride, utility boilers and flexible packaging under Contract Number 68-02-3816.

This designation is made pursuant to the Clean Air Act, 42 U.S.C. 7414. The United States Code provides that, upon presentation of this credential, the Authorized Representative named herein: (1) shall have a right of entry to, upon, or through any premises in which an emission source is located or in which records required to be maintained under 42 U.S.C. 7414(a)(1) are located, and (2) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under 42 U.S.C. 7414(a)(1), and sample any emissions which the owner or operator of such source is required to sample.

Authorized Representatives of the Administrator are subject to the provisions of 42 U.S.C. 7414(c) respecting confidentiality of methods or processes entitled to protection as trade secrets, as implemented by 40 CFR 2.301(h) (41 FR 36912, September 1, 1976).

Date: SEP 9 1983

Designation Expires: September 30, 1987


Sheldon Meyers
Director
Office of Air Quality Planning
and Standards

CTL004333

ENCLOSURE 5

U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
Emission Standards and Engineering Division

June 1982

Summary of ESED

Procedures for Safeguarding Confidential Business Information

1. Purpose

This memorandum summarizes Agency policy and procedures pertaining to the handling and safeguarding of information that may be entitled to confidential treatment for reasons of business confidentiality by the Emission Standards and Engineering Division (ESED), Office of Air Quality Planning and Standards, Office of Air, Noise, and Radiation, U.S. Environmental Protection Agency.

2. Other Applicable Documents:

- a. Clean Air Act as amended.
- b. 40 CFR, Chapter 1, Part 2, Subpart B - Confidentiality of Business Information.
- c. EPA Security Manual, Part III, Chapters 8 and 9.

3. Exception:

This document was prepared as a summary of data gathering and handling procedures used by the Emission Standards and Engineering Division, Office of Air Quality Planning and Standards, EPA. Nothing in this document shall be construed as superseding or being in conflict with any applicable regulations, statutes, or policies to which EPA is subject.

4. Definition:

Confidential Business Information - Information as to which the source has asserted a claim of confidentiality. This information may be identified with such titles as trade secret, secret, administrative secret, company secret, secret proprietary, privileged, administrative confidential, company confidential, confidential proprietary, proprietary, etc. NOTE: These markings should not be confused with the classification markings of National Security information identified in Executive Order 11652.

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5. Background:

Section 114(c) of the Clean Air Act as amended reads as follows:

"Any records, reports, or information obtained under subsection (a) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Administration has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of Section 1905 of Title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act."

On September 1, 1976, EPA promulgated regulations (40 CFR Part 2) that govern the treatment of business information, including data obtained under Section 114 of the Clean Air Act. These regulations require EPA offices to include a notice with each request for information to inform the business (1) of its right to assert a claim of confidentiality covering part or all of the information, (2) of the method for asserting a claim, and (3) of the effect of failure to assert a claim at time of submission. In addition, the regulations (1) set forth procedures for the safeguarding of confidential information; (2) contain provisions for providing confidential information to authorized representatives; (3) contain provisions for the release of information to the Congress, Comptroller General, other Federal agencies, State and local governments, and Courts; (4) permit the disclosure of information within EPA to employees with an official need for the information; and (5) prohibit wrongful use of such information and describe penalties for wrongful disclosure. Further, the regulations contain the Agency's basic rules concerning the treatment of requests for information under the Freedom of Information Act (5 U.S.C. 552).

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6. Procedures:

a. Request for Information

Each request originating in the Emission Standards and Engineering Division (ESED) for information made under the provisions of Section 114(a) is signed by the Division Director. The request includes ESED's standard enclosure "EPA's Information Gathering Authority Under Section 114 of the Clean Air Act," which was designed to meet the requirement of 40 CFR Part 2 discussed above.

b. Receipt of Confidential Business Information

Upon receipt of information for which confidential treatment has been requested, the Office of the Director (OD) directs the logging of the material and the establishment of a permanent file. If confidential treatment is requested, but is not specifically marked, the material will be stamped "Subject to Confidentiality Claim." If part of the material is claimed to be confidential, that portion is marked "Subject to Confidentiality Claim." In compliance with Sections 2.204 and 2.208 of 40 CFR Part 2, the Branch Chief responsible for the requested information reviews the information to determine whether it is likely to be confidential, in contrast to being available in the open literature, and whether it likely provides its holder with a competitive advantage. If the information is clearly not confidential, the Branch chief prepares a letter for signature of the Division Director, ESED, to notify the business of this finding. If the information is possibly confidential, the Branch Chief sends a memorandum to inform the Office of the Director, ESED, of this finding, gives a brief description of the material (what it is, how many pages, etc.), identifies it with the correct ESED project number, and lists those persons who are authorized to have access to the information. The information and memorandum are hand carried to the OD and filed with the material. EPA Form 1480-21, "Privileged Information Control Record," (Enclosure A) is also filed with the folder containing the information. If confidential business information is received from the owner via an authorized representative or a third party, the same procedure is followed, with the addition of clearly identifying the information and its source.

By regulation, information for which confidential treatment is requested must be so marked or designated by the submitter. EPA takes additional

measures to ensure that the proprietary designation is uniformly indicated and immediately observable. All unmarked or undesignated information (except as noted below) is freely releasable.

c. Storage of Confidential Business Information

Folders, documents, or material containing confidential business information (as defined) shall be secured, at a minimum, in a combination locked cabinet. Normal ESED procedure is to secure this information in a cabinet equipped with a security bar and locked using a four-way, changeable combination padlock. The locked file is under the control of the Office of the Director.

Knowledge of the combination of the locking device is limited to the minimum number of persons required to effectively maintain normal business operations. Records of the locking device combination may be made but shall be stored elsewhere in conformance with the requirements of the EPA Security Manual.

The combination of the lock is normally changed whenever a person with knowledge of the combination is transferred, terminates employment, or is no longer authorized access, or whenever the possibility exists that the combination may have been subjected to compromise.

Files may be checked out upon confirmation that the person is authorized to receive the information. All confidential files must be returned no later than 3:30 p.m. on the same day they are removed. The intended user must sign the Privileged Information Control Record in the presence of an Office of the Director staff member when the file is checked out and when it is returned.

The individual who signs out a confidential file is responsible for its safekeeping. The file must not be left unattended. The information must not be disclosed to any non-authorized personnel.

Storage procedures for confidential business information by an authorized representative of EPA (see Section d. below) must be, at a minimum, as secure as those established here for EPA. Whenever confidential business information is removed from the EPA files to be transmitted to an authorized representative, a memorandum is placed in the file indicating what information was transmitted, the date, and the recipient.

d. Access to Confidential Business Information

Only authorized EPA employees may open and distribute confidential business information.

Only EPA employees who require and are authorized access to confidential business information in the performance of their official duties are permitted to review documents and, after reviewing, shall sign and date EPA Form 1480-21 (Enclosure A) to certify their access to the document.

The confidential business information file is controlled by the Office of the Director, ESED. Access to the information is strictly enforced by that office.

The ESED Branch through which the confidential business information has been requested or sent provides a memo for the record designating those personnel who are authorized to use confidential business information in performance of their official duties in a program under which confidential business information can be requested. No person is automatically entitled to access based solely on grade, position, or security clearance. A need to know must exist. Where a person with a need to know is not designated on the memo for the record, the applicable Branch Chief shall review that need and, if appropriate, prepare an amendment to the memo of record. In any case, the memo designating authorized personnel should be reviewed and revised from time to time to ensure that it is current.

Persons under contract to EPA to perform work for EPA may be designated authorized representatives if such designation is necessary in order for the contractor to carry out the work required by the contract. The following conditions apply when it has been determined that disclosure is necessary:

(1) The authorized contractor representative and its employees (a) may use such confidential information only for the purposes of carrying out the work required, (b) must refrain from disclosing the information to anyone other than EPA without having received from EPA prior written approval of each affected business or of an EPA legal office, and (c) must return to EPA all copies of the information (and any abstracts or excerpts therefrom) upon request or whenever the information is no longer required for the performance of the work.

(2) The authorized contractor representative must obtain a written agreement from each of its employees who will have access to the information

to honor the above-noted limitations. A copy of each such agreement must be furnished to EPA in a format substantially complying with that shown in Enclosure B before access is permitted.

(3) the authorized contractor representative must agree that the conditions in the contract concerning the use and disclosure of confidential business information are included for the benefit of, and shall be enforceable by, both EPA and any affected business having a proprietary interest in the information.

These requirements provide reasonable protection for the rights of owners of confidential business information.

Information may be released to or accessed by employees of other EPA elements only upon approval by the Director, ESED, of a written justification signed by a Division Director, or equivalent.

Requests from other Federal agencies, Congress, Comptroller General, Courts, etc., are handled by the Office of the Director, ESED.

Requests under the Freedom of Information Act are handled in accordance with 40 CFR, Part 2, Subpart A. The ESED Freedom of Information Coordinator must be consulted prior to responding to any request for information where a claim of confidentiality has been asserted or where there is reason to believe that a claim might be made if the business knew release was intended.

e. Use and Disclosure of Confidential Business Information

Confidential business information as defined may not be used in publications, supporting documents, memoranda, etc., that become a part of the public domain, except as provided for in 40 CFR, Chapter 1, Part 2, Subpart B.

Confidential business information may not be summarized, tabulated, photocopied, or in any other way reproduced without the express written approval of the Branch Chief responsible for the information request. Any authorized reproduction shall be sparing and all procedures herein, strictly followed. Further, all authorized reproductions must be introduced into the confidential business information control system and treated according to the same procedures applicable to the original confidential material.

EPA generated documents or material, or extracts of information containing confidential business information, shall be stamped "For Official Use Only" and include on the first page and/or cover sheet the following statement:

"This document contains data claimed to be confidential business information and shall be handled and stored in accordance with Part III, Chapter 9 of the EPA Security Manual."

f. Handling of Other Information

Reports, memoranda, documents, etc., prepared by EPA or its authorized representatives are not normally circulated outside EPA for comment or review prior to publication except in such cases as described above (6.d.3) wherein confidential business information is expressly included. However, because industrial-data-gathering visits, plant inspections, and source testing can involve inadvertent receipt of confidential business information, it is the policy of ESED to protect all parties involved in the following manner.

Prior to or at the inception of a plant inspection, data gathering visit, or source test, EPA or its authorized representatives discuss with a responsible industry official the information sought, how it is to be used, and how it is to be protected. A copy of this document may be provided upon request.

Following an inspection, visit, or test, a trip report will be prepared to include, as practicable, all information received by EPA or its authorized representative during the visit or test. The report may be prepared by either EPA or its authorized representative. The draft of that report will be clearly identified, on an enclosed, colored cover sheet as "Confidential Business - Pending Company Review." A second copy of the draft trip report will be made. It will be forwarded by EPA to the responsible industry official for review. The responsible industry official will be requested by cover letter to review the report, clearly mark any information considered to be confidential, and return the marked report to the responsible EPA employee within two weeks of receipt. The original draft will be kept in the confidential business information file until the marked-up copy is returned by the business firm.

When the reviewed copy of the report, as marked by the responsible plant official, is received by EPA, information designated confidential will be placed in the confidential business information files as described above. The original of the trip report will be edited to delete the confidential information and the trip report will be issued.

APPLICATION NO:

PRIVILEGED INFORMATION CONTROL RECORD

INFORMATION REFERRED TO:

[illegible]

CTL004341

TREATMENT OF CONFIDENTIAL INFORMATION

It is understood that performance under EPA Contract No. _____ will require the Contractor (_____) and its employees to have access to confidential information obtained by EPA under section _____ of the Clean Air Act. In fulfillment of the conditions of disclosure contained in the Contract, I _____, hereby affirm that I personally will honor the limitations expressed in the contract concerning my access to such information.

Specifically, I shall:

1. use the information only for the purpose of carrying out the work required by the Contract;
2. refrain from disclosing the information to anyone other than EPA without the prior written approval of each affected business or of an EPA legal office; and
3. return to EPA, through the Contractor, all copies of the information (and any abstracts or excerpts therefrom) upon request by the EPA Program Office or whenever the information is no longer required by the Contractor for the performance of work required by the Contract.

Dated this _____ day of _____, 1976.

Signature

CTL004342