

CBI SUBSTANTIATION
For PMN, SNUN, TMEA, LVE, and LOREX filings

Use of this form is recommended, but not required.
PMN

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Submitting Company Name	Nelson Brothers, LLC
Submission Number (if known):	

Important: You are responsible for substantiating ***each*** data element you claim as CBI unless that item is exempt from the substantiation requirement according to TSCA section 14(c)(2). This template identifies the information that EPA considers to generally be exempt in this submission type. EPA expects that it will generally deny non-exempt CBI claims that are not substantiated, so recommends that the submitter carefully review the TSCA submission to assure that the substantiation addresses all CBI claims that require substantiation. The substantiation must also clearly indicate which CBI claim(s) it is intended to cover. In this template, similar data elements have been grouped together to permit substantiation of multiple such elements at one time.

EPA expects that some types of CBI claims will be more difficult to support than others or are in some cases restricted by TSCA or its implementing regulations. Health and safety studies and information from such studies, with limited exceptions, may not be withheld by EPA as confidential. For more information, please visit: <https://www.epa.gov/tsca-cbi/what-include-cbi-substantiations>

40 CFR § 2.208 specifies the substantive criteria that are used to determine whether information is entitled to confidential treatment. Among these criteria is the substantial competitive harm(s) that would be caused by public disclosure of the information that you have claimed as CBI. Failure to sufficiently explain this harm in the substantiation for any data element claimed as CBI may result in a denial of the CBI claim for that data element.

The “CBI Claim” column on this substantiation document is intended to be used to indicate that a CBI claim has been made for the corresponding information in the PMN form. Please verify that the information you indicate is claimed as CBI on this substantiation document is in fact claimed as CBI in the PMN form and/or attachments. This template cannot be used to assert a CBI claim that is not asserted in the PMN form.

I. COMPETITIVE HARM QUESTIONS		
Part I Section A Submitter Identification	CBI Claim	Substantiation <i>(Explain how public disclosure of this information is likely to cause substantial harm to your business's competitive position.)</i>
Signature and Date of Authorized Official (Page 2)	<input type="checkbox"/>	Click or tap here to enter text.
Signature and Date of Agent (Page 2)	<input type="checkbox"/>	
Person Submitting Notice (Part I Section A.1.a)	<input type="checkbox"/>	
Agent (Part I Section A.1.b)	<input type="checkbox"/>	
Joint Submitter (Part I Section A.1.c)	<input type="checkbox"/>	Click or tap here to enter text.
Technical Contact (Part I Section A.2)	<input type="checkbox"/>	Click or tap here to enter text.
Pre-notice Communication (PC) (Part I Section A.3)	<input type="checkbox"/>	Click or tap here to enter text.
Previously Submitted Exemption Application (Part I Section A.4)	<input type="checkbox"/>	
Previously Submitted Bona Fide (Part I Section A.5)	<input type="checkbox"/>	
Part I Section B Chemical Identity Information	CBI Claim	Substantiation <i>(Explain how public disclosure of this information is likely to cause substantial harm to your business's competitive position.)</i>
Chemical Class (Part I Section B.1.a)	<input type="checkbox"/>	Click or tap here to enter text.
Chemical Name (Part I Section B.1.b)	<input type="checkbox"/>	Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific data element. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. Click or tap here to enter text, if applicable.

Molecular Formula (Part I Section B.1.d)	<input type="checkbox"/>	Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific data element. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. Click or tap here to enter text, if applicable.
Chemical Structure Diagram for Class I (Part I Section B.1.e)	<input type="checkbox"/>	Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific data element. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. Click or tap here to enter text, if applicable.
Precursor Substances Class II (Part I Section B.1.e.1)	<input type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Reaction or Process for Class II (Part I Section B.1.e.2)	<input type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Range of Composition and Typical Composition for Class II (Part I Section B.1.e.3)	<input type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Polymer Information (Part I Section B.2.a)	<input checked="" type="checkbox"/>	Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific data element. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. Click or tap here to enter text, if applicable.
Monomer or Other Reactant Specific Chemical Name (Part I Section B.2.b.1)	<input checked="" type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Monomer or Other Reactant Specific Chemical Name Typical Composition (Part I Section B.2.b.3)	<input checked="" type="checkbox"/>	Exempt – No substantiation required for this specific data element claim

Monomer or Other Reactant Specific Chemical Name Include in Identity (Part I Section B.2.b.4)	<input checked="" type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Monomer or Other Reactant Specific Chemical Name Max Residual (Part I Section B.2.b.6)	<input checked="" type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Current Chemical Abstracts (CA) Name and Number for Polymer (Part I Section B.2.d)	<input checked="" type="checkbox"/>	Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific data element. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. Click or tap here to enter text, if applicable.
Chemical Structure Diagram (Part I Section B.2.e)	<input checked="" type="checkbox"/>	Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific data element. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. Click or tap here to enter text, if applicable.
Impurities (Part I Section B.3)	<input type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Synonyms (Part I Section B.4)	<input type="checkbox"/>	Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific data element. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. Click or tap here to enter text, if applicable.
Trade Identification (Part I Section B.5)	<input type="checkbox"/>	Exempt prior to the substance first being offered for commercial distribution – for PMN, LVE, TMEA, and LOREX submissions, no substantiation is required for CBI claims on this specific data element. Submitters of SNUNs and requests to modify an LVE or LOREX may not be exempt from this substantiation requirement. Click or tap here to enter text, if applicable.
Byproducts (Part I Section B.7)	<input type="checkbox"/>	Exempt – No substantiation required for this specific data element claim

Part I Section C. Production, Import and Use Information	CBI Claim	Substantiation (Explain how public disclosure of this information is likely to cause substantial harm to your business's competitive position.)
Production Volume (Part I Section C.1)	<input checked="" type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Category of Use (Part I Section C.2.a.1)	<input type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Use Production (Part I Section C.2.a.4)	<input checked="" type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
% in Formulation (Part I Section C.2.a.6)	<input checked="" type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
% of Substance Expected Per Use (Part I Section C.2.a.8)	<input checked="" type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Part II Section A Industrial Sites Controlled by the Submitter	CBI Claim	Substantiation (Explain how public disclosure of this information is likely to cause substantial harm to your business's competitive position.)
Site Identity (Part II Section A.1.a) <i>Provide a detailed substantiation explaining how/why the release of this data element information will substantially harm your company.</i>	<input type="checkbox"/>	Click or tap here to enter text.
Number of Sites (Part II Section A.1.a) <i>Provide a detailed substantiation explaining how/why the release of this data element information will substantially harm your company.</i>	<input type="checkbox"/>	Click or tap here to enter text.
Site Operations (Part II Section A.1.b) <i>Provide a detailed substantiation explaining how/why the release of this data element information will substantially harm your company.</i>	<input type="checkbox"/>	Click or tap here to enter text.
Amount and Duration (Part II Section A.1.c)	<input checked="" type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Process Description (Part II Section A.1.d)	<input checked="" type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Worker Activity (Part II Section A.2.1) <i>Provide a detailed substantiation explaining how/why the release of</i>	<input type="checkbox"/>	Click or tap here to enter text.

<i>this data element information will substantially harm your company.</i>		
Physical Form(s) & % New Substance (Part II Section A.2.5)	<input type="checkbox"/>	Click or tap here to enter text.
# of Workers Exposed (Part II Section A.2.8) <i>Provide a detailed substantiation explaining how/why the release of this data element information will substantially harm your company.</i>	<input type="checkbox"/>	Click or tap here to enter text.
Maximum Duration (Part II Section A.2.10-11)	<input type="checkbox"/>	Click or tap here to enter text.
Release Number and Amount of New Substance Released (Part II Section A.3.1-2)	<input type="checkbox"/>	Click or tap here to enter text.
Medium of Release and Control Technology and Efficiency (Part II Section A.3.4-5)	<input type="checkbox"/>	
Destinations of Releases to Water (Part II Section A.3.7)	<input type="checkbox"/>	
Part II Section B Industrial Sites Controlled by Others	CBI Claim	Substantiation <i>(Explain how public disclosure of this information is likely to cause substantial harm to your business's competitive position.)</i>
Operation Description (Part II Section B.1)	<input checked="" type="checkbox"/>	Exempt – No substantiation required for this specific data element claim
Letter of Activity and # of Workers Exposed (Part II Section B.2.1-2) <i>Provide a detailed substantiation explaining how/why the release of this data element information will substantially harm your company.</i>	<input type="checkbox"/>	Click or tap here to enter text.
Duration of Exposure (Part II Section B.2.4) <i>Provide a detailed substantiation explaining how/why the release of this data element information will substantially harm your company.</i>	<input type="checkbox"/>	Click or tap here to enter text.
Protective Equipment/Engineering Controls/Physical Form/ %	<input type="checkbox"/>	Click or tap here to enter text.

New Substance/% in Formulation (Part II Section B.2.6-7)		
Release Number and Amount of New Substance Released (Part II Section B.2.9-10)	<input type="checkbox"/>	
Media of Release & Control Technology (Part II Section B.2.12)	<input type="checkbox"/>	
Byproducts (Part II Section B.2.14)	<input type="checkbox"/>	
Optional Pollution Prevention Information	CBI Claim	Substantiation <i>(Explain how public disclosure of this information is likely to cause substantial harm to your business's competitive position.)</i>
Pollution Prevention Information (PMN page 11, Form page 16)	<input type="checkbox"/>	Click or tap here to enter text.
Physical and Chemical Properties Worksheet (PMN page 13, Form page 18)	<input type="checkbox"/>	Click or tap here to enter text.
Other information elements claimed as CBI	<input type="checkbox"/>	Click or tap here to enter text.
Part III. Attachments.	CBI Claim	Substantiation <i>(Explain how public disclosure of this information is likely to cause substantial harm to your business's competitive position.)</i>
List of Attachments (Part III, PMN Page 12, form 17)	<input type="checkbox"/>	Click or tap here to enter text.
Health & safety studies or other test data (Note: TSCA section 14(b) places significant limits on what health and safety data may be withheld as CBI.)	<input type="checkbox"/>	Click or tap here to enter text.
SDS	<input type="checkbox"/>	Click or tap here to enter text.
Physical Chemistry Property Worksheet	<input type="checkbox"/>	Click or tap here to enter text.
Other:	<input type="checkbox"/>	Click or tap here to enter text.

II. ADDITIONAL QUESTIONS	
A. To the extent the submitter has disclosed information to others (both internally and externally), what precautions has the business taken? Please identify the measures or internal controls the business has taken to protect the information claimed as confidential.	
1. Non-disclosure agreement required prior to access.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Access is limited to individuals with a need-to-know.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. Information is physically secured (e.g. locked in room or cabinet) or electronically secured (encrypted, password protected, etc.).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. Other internal control measure(s). <i>(If yes please explain below.)</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Nelson Brothers takes various measures to ensure its employees, former employees, and customers protect the company's confidential information by requiring all parties to sign confidentiality agreements. Access to confidential information is limited to only those employees with a need to know.	
B. Does the information claimed as confidential appear in any public documents, including (but not limited to) safety data sheet, advertising or promotional material, professional or trade publication, or any other media or publications available to the general public?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
N/A	
C. Does any of the information you are claiming as CBI contain (a) trade secret(s) ¹ ? <i>(If yes, please identify what information is being claimed as (a) trade secret(s).)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
N/A	
D. For what period do you assert the claim of confidentiality (please indicate between 1-10 years or until a certain event)? ²	
10 years	
E. Has EPA, another federal agency, or court made any confidentiality determination regarding information associated with this substance? <i>(If yes, please explain the outcome of that determination and provide a copy of the previous confidentiality determination or any other information that will assist in identifying the prior determination.)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
N/A	
F. <i>(Applicable only to SNUNs or to requests to modify a granted LVE or LOREX submission AND only if chemical identity is claimed as confidential.)</i> When this chemical substance leaves the site of manufacture in any form, e.g., as product, effluent, emission, what measures are taken to guard against the discovery of its identity? When the chemical substance leaves the site in a product that is available to the public or your competitors, can the chemical substance be identified by analysis of the product?	
N/A	
Additional comments:	

None

III. SUBSTANTIATION CERTIFICATION

Do you wish to claim this substantiation as CBI?

TSCA section 14(c) requires that persons asserting a CBI claim shall certify to the validity of the claims. By the marking of a yes, you are certifying to the truth of the below statements.

☐ Yes

☒ No

I hereby certify to the best of my knowledge and belief that all information entered on this form is complete and accurate.

I further certify that, pursuant to 15 U.S.C. § 2613(c), for all claims for confidentiality made with this submission, all information submitted to substantiate such claims is true and correct, and that it is true and correct that

- (i) My company has taken reasonable measures to protect the confidentiality of the information;
- (ii) I have determined that the information is not required to be disclosed or otherwise made available to the public under any other Federal law;
- (iii) I have a reasonable basis to conclude that disclosure of the information is likely to cause substantial harm to the competitive position of my company; and
- (iv) I have a reasonable basis to believe that the information is not readily discoverable through reverse engineering.

Any knowing and willful misrepresentation is subject to criminal penalty pursuant to 18 U.S.C. § 1001.

¹ **“Trade secret”** is defined as “a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.” Public Citizen Health Research Group v. FDA, 704 F.2d 1280, 1288 (D.C. Cir. 1983).

² Information with withdrawn CBI claims may be made available to the public without further notice.